

CAUSE NO. _____

JOHN LUENGAS, Individually and § IN THE DISTRICT COURT OF
on behalf of the Estate of §
ALANNA MARIA LUENGAS §
§
v. § HARRIS COUNTY, TEXAS
§
TERRY & THWEATT, P.C. §
§ _____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

JOHN LUENGAS, Individually and on behalf of the Estate of Alanna Maria Luengas, and for cause of action against Terry & Thweatt, P.C. and, in support, would respectfully show the court the following:

I. SUMMARY OF LAWSUIT

Defendant is a law firm. John Luengas has never entered into any kind of contact for legal services with Defendant. Defendant has never provided any legal services to John Luengas.

Despite this, Defendant has demanded that John Luengas pay it and its lawyers hundreds of thousands of dollars relating to his legal claim arising out of his daughter's death.

II. DISCOVERY LEVEL/TRCP 47 STATEMENT

Discovery is intended to be conducted under Level 1, pursuant to TEX. R. CIV. P. 190. Pursuant to Rule 47, Plaintiff seeks monetary relief of \$100,000 or less and non-monetary relief.

III. EXPEDITED ACTION

Pursuant to TEX. R. CIV. P. 169, this should be considered an "expedited action" and governed by the procedural rules for such actions.

IV. PARTIES

Plaintiff John Luengas is a resident of Harris County, Texas. He brings this lawsuit individually and as personal representative of the estate of his deceased daughter, Alanna Maria Luengas.

Defendant Terry & Thweatt, P.C. is a Texas professional corporation with its principal place of business at One Greenway Plaza, Suite 100, Houston, Texas 77046. It may be served through its registered agent and Co-President, Joe Terry, at One Greenway Plaza, Suite 100, Houston, Texas 77046, or its Co-President, L. Lee Thweatt, at One Greenway Plaza, Suite 100, Houston, Texas.

V. JURISDICTION AND VENUE

This court has jurisdiction over this matter because the damages in question exceed the minimum jurisdiction of this court. Venue is proper in Harris County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE §15.002 because Defendant Terry & Thweatt, P.C. has its principal place of business in Harris County.

VI. BACKGROUND

Alanna Maria Luengas, then age 18, was killed in an automobile accident in the early morning hours of June 25, 2017.

Alanna was survived by her parents, John Luengas and Jade James.

After the incident, John Luengas began the process of interviewing lawyers to potentially represent him on claims against liable parties. John Luengas met with Terry & Thweatt, P.C. John Luengas elected not to retain Terry & Thweatt, P.C.

Instead, Mr. Luengas retained the Buzbee Law Firm to prosecute the claims. The Buzbee Law Firm filed a lawsuit, *Luengas, et al v. D. Texas Investments, Inc., et al*, Cause No. 2017-68586, in the 164th District Court, Harris County, Texas.

John Luengas has never entered into any contract with Terry & Thweatt, P.C., either individually or on behalf of the estate.

Terry & Thweatt, P.C. has never provided any legal services to John Luengas, either individually or on behalf of the estate.

Nonetheless, Terry & Thweatt, P.C. has now claimed that Mr. Luengas must pay it several hundreds of thousands of dollars in legal fees with respect to the legal claims and recovery on the claims surrounding his daughter's death.

Terry & Thweatt, P.C. has provided no legal or factual basis for their claim that Mr. Luengas or the estate pay them attorneys fees. Therefore, Mr. Luengas has no choice but to file this lawsuit seeking that the Court enter a declaratory judgment that he and the estate do no owe Defendant any amount of money.

VII. CAUSE OF ACTION – DECLARATORY JUDGMENT

Plaintiff incorporates the previous allegations.

This suit is brought under Texas Civil Practice and Remedies Code Chapter 37. Plaintiff asks that the Court enter a declaratory judgment to the effect that:

1. John Luengas has never entered into any contract, of any kind, with Defendant Terry & Thweatt, P.C., either individually or on behalf of the estate of Alanna Luengas.
2. Defendant Terry & Thweatt, P.C. has never provided any legal services to John Luengas, either individually or on behalf of the estate of Alanna Luengas.

3. John Luengas, either individually or on behalf of the estate of Alanna Luengas does not owe Defendant Terry & Thweatt, P.C. any sum of money for legal fees or costs with respect to the legal claims and recovery on the claims surrounding his daughter's death, or otherwise.

Plaintiff reserves the right to seek recovery of reasonable attorneys' fees and costs associated with the prosecution of this lawsuit.

PRAYER

WHEREFORE, Plaintiff prays that Defendant answer this Petition, that this case be set for trial without delay, and that the Court enter a declaratory judgment as set forth above, and all other and further relief to which Plaintiff is entitled.

Respectfully submitted,

THE BUZBEE LAW FIRM

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